

MINUTES
Texas Board of Health Meeting
November 30, 2001

The November 30, 2001, meeting of the Texas Board of Health (Board) was called to order at 10:40 a.m., at the Texas Department of Health (TDH), 1100 West 49th Street, Room M-739, Austin, Texas. Mario R. Anzaldua, M.D., Chair, presided. Six Board Members were in attendance.

Board of Health Members:

Mario R. Anzaldua, M.D., Chair
George H. McCleskey, Vice-Chair
Margo S. Scholin, B.S.N., M.S., J.D.
Beverly H. Robinson, Ph.D., R.N.,C., F.A.A.N.
Raymond Hannigan
Amanullah Khan, M.D., Ph.D.

Registered Guests

Regina Martin, Legislative Budget Board
Lisa Cruttenden, Merck Vaccine Division
Greg Vitalich, State Auditor's Office
Eileen Smith, House Appropriations
Mary Ceverha, Previous Board of Health Member
David L. Collins, Previous Board of Health Member
Ruth Stewart, Former Board of Health Chair
Walter D. Wilkerson, Jr., M.D., former Board of Health Chair
Robert Bernstein, M.D., Former Commissioner of Health
Dayland Parsons, Texas Health Foundation
Jenny Young, Texas Medical Association
Gayle Harris, Texas Medical Association
Laura Smith, Lieutenant Governor's Office
Juan Carlos Reynoso, City of Irving Public Health
Wileen Hogan, Denton County Health Department
Susan Jones, Texas Hospital Association
Kris Lloyd
Ron Mansolo
Roy Hogan
Jimmy Helm
Debbie Blount

Dr. Anzaldua welcomed the guests. Also in attendance at the meeting were Eduardo J. Sanchez, M.D., M.P.H., Commissioner of Health, and other key staff members of TDH.

ON A MOTION MADE BY MS. SCHOLIN AND SECONDED BY MR. HANNIGAN, THE MINUTES OF THE OCTOBER 26, 2001, TEXAS BOARD OF HEALTH MEETING WERE APPROVED AS DISTRIBUTED.

A Resolution was presented by Dr. Khan in support of National Epilepsy Month.

(Attachment I)

A Resolution was presented by Ms. Scholin in recognition of Ms. Mary Ceverha.

(Attachment II)

A Resolution was presented by Dr. Anzaldua in recognition of Walter D. Wilkerson, M.D.

(Attachment III)

Dr. Sanchez presented the Commissioner's Report, a copy of which is attached to and made a part of these Minutes. *(Attachment IV)*

Mr. Hannigan presented the Strategic Management Committee Report noting that the Committee approved the Minutes of their October 25, 2001 meeting, then recommended approval of proposed rules concerning the Department's Privacy Policy and an Individual's Right to Correct Information.

THE BOARD APPROVED PROPOSED RULES CONCERNING THE DEPARTMENT'S PRIVACY POLICY AND AN INDIVIDUAL'S RIGHT TO REQUEST CORRECTION OF INCORRECT INFORMATION FOR PUBLICATION IN THE *TEXAS REGISTER* FOR A 30-DAY COMMENT PERIOD.

The Strategic Management Committee recommended approval of proposed rules concerning procedures in the negotiation and mediation of certain breach of contract claims.

THE BOARD APPROVED PROPOSED RULES CONCERNING PROCEDURES IN THE NEGOTIATION AND MEDIATION OF CERTAIN BREACH OF CONTRACT CLAIMS FOR PUBLICATION IN THE *TEXAS REGISTER* FOR A 30-DAY COMMENT PERIOD.

The Strategic Management Committee recommended approval of a resolution authorizing a request for financing through the issuance of bonds as approved by State of Texas voters on November 6, 2001, for the Texas Center for Infectious Disease and South Texas Health Care System and the execution and delivery of documents required to effect such financing. (*Attachment V*)

THE BOARD APPROVED A RESOLUTION AUTHORIZING A REQUEST FOR FINANCING THROUGH THE ISSUANCE OF BONDS FOR THE TEXAS CENTER FOR INFECTIOUS DISEASE AND SOUTH TEXAS HEALTH CARE SYSTEM AND THE EXECUTION AND DELIVERY OF DOCUMENTS REQUIRED TO EFFECT SUCH FINANCING.

The Strategic Management Committee recommended approval of a capital authority request for Bioterrorism expenditures to be used to purchase telecommunications equipment, computer systems and laboratory equipment in support of the Bioterrorism proposal. (*Attachment VI*)

THE BOARD APPROVED THE SUBMISSION OF A REQUEST TO THE LEGISLATIVE BUDGET BOARD AND THE GOVERNOR'S OFFICE OF BUDGET AND PLANNING FOR ADDITIONAL CAPITAL BUDGET AUTHORITY FOR THE FY 2002/2003 BIENNium IN THE AMOUNT NOT TO EXCEED \$1,800,000 AS REFLECTED ON ATTACHMENT A.

Mr. Hannigan reported that the Strategic Management Committee reviewed and discussed the recommendations for the structure of Board of Health Meetings and took no action. Mr. Hannigan, Susan K. Steeg and Dr. Anzaldua will work as an ad hoc committee to poll members and reach a consensus. (*Attachment VII*) Mark Scott presented the annual report that summarized the work done by the Texas Department of Health Internal Audit during FY 2001. (*Attachment VIII*)

Dr. Anzaldua presented the Health and Clinical Services Committee report, noting that this Committee approved the Minutes of the October 25, 2001 meeting, then recommended approval of the final adoption of a rule concerning immunization requirements in Texas child-care facilities, elementary and secondary schools, and institutions of higher education for hepatitis A. (*Attachment IX*)

THE BOARD APPROVED AN ORDER ADOPTING THE RULE CONCERNING IMMUNIZATION REQUIRMENTS IN TEXAS CHILD-CARE FACILITIES, ELEMENTARY AND SECONDARY SCHOOLS AND INSTITUTIONS OF HIGHER EDUCATION FOR HEPATITIS A TO BE EFFECTIVE 20 DAYS AFTER FILING WITH THE TEXAS REGISTER DIVISION, OFFICE OF THE SECRETARY OF STATE.

The Health and Clinical Services Committee recommended approval of an order adopting the repeal of rules concerning ECI case management services as a housekeeping measure since this program is no longer with the Texas Department of Health. (*Attachment X*)

THE BOARD APPROVED AN ORDER ADOPTING THE REPEAL OF RULES CONCERNING ECI CASE MANAGEMENT SERVICES TO BE EFFECTIVE 20 DAYS AFTER FILING WITH THE *TEXAS REGISTER*.

The Health and Clinical Services Committee recommended approval of final adoption of the rules concerning the County Indigent Health Care Program, which are consistent with the analogous procedures used by the Temporary Assistance for Needy Families (TANF) program; make minor clarifications; simplify administration of the program; and comply with state law.

THE BOARD APPROVED AN ORDER ADOPTING THE RULES CONCERNING THE COUNTY INDIGENT HEALTH CARE PROGRAM TO BE EFFECTIVE JANUARY 1, 2002 .

The Health and Clinical Services Committee recommended approval of a proposed new rule that requires owners of a dangerous wild animal to keep and confine the animal in accordance with the caging requirements and standards established by the Texas Board of Health.

THE BOARD APPROVED THE PROPOSED RULE CONCERNING THE CAGING REQUIREMENTS AND STANDARDS FOR THE KEEPING AND CONFINEMENT OF DANGEROUS WILD ANIMALS FOR PUBLICATION IN THE *TEXAS REGISTER* FOR A 30-DAY COMMENT PERIOD.

The Health and Clinical Services Committee recommended approval of proposed repeal of rules concerning the regulation of riding stables. The Texas Animal Health Commission now has authority over this activity.

THE BOARD APPROVED THE PROPOSED RULES CONCERNING THE REGULATION OF RIDING STABLES FOR PUBLICATION IN THE *TEXAS REGISTER* FOR A 30-DAY COMMENT PERIOD.

The Health and Clinical Services Committee recommended approval of a proposed new rule concerning warnings retail pet stores must provide relating to reptile-associated salmonellosis to purchasers of reptiles.

THE BOARD APPROVED THE PROPOSED RULE CONCERNING REPTILE-ASSOCIATED SALMONELLOSIS WARNINGS BY RETAIL PET STORES FOR PUBLICATION IN THE *TEXAS REGISTER* FOR A 30-DAY COMMENT PERIOD.

Dr. Robinson presented the Human Resources Committee report noting that this Committee approved the Minutes of the October 25, 2001 meeting.

The Human Resources Committee recommended approval of an appointment of a new member to fill a vacancy due to the resignation of a consumer member on the Kidney Health Care Advisory Committee.

THE BOARD APPROVED THE APPOINTMENT OF NACIANCENO RODELO OF SAN ANTONIO TO SERVE AS A CONSUMER MEMBER ON THE KIDNEY HEALTH CARE ADVISORY COMMITTEE UNTIL DECEMBER 31, 2006.

The Human Resources Committee recommended approval of five (5) appointments to serve on the School Health Advisory Committee.

THE BOARD APPROVED THE FOLLOWING APPOINTMENTS WHOSE TERMS EXPIRE ON MAY 31, 2007:

Physician

Ann Sims, M.D., Waco

Registered Nurse or Physician Assistant

Karen Frank, R.N., Port Aransas

Consumers

Stephanie Benold, Austin

David Wiley, Mountain City

School Administrator

Charles David Shobe, San Antonio

The Human Resources Committee recommended approval of four (4) appointments to serve on the Oral Health Advisory Committee.

THE BOARD APPROVED THE FOLLOWING APPOINTMENTS WHOSE TERMS EXPIRE ON DECEMBER 31, 2006:

Professionals

Gladys C. Arjona, RDH, Weslaco
Dietmar A. J. Kennel, D.D.S.

Consumers

Joe Segura, San Antonio
Joel Hutton, Dallas

Dr. Robinson reported that the Human Resources Committee heard a presentation given by James Elkins, Hospital Director, Texas Center for Infectious Disease, regarding the Hospital Oversight Committee FY 2001 Report. William S. Riggins, Jr., M.D., Chair of the Hospital Oversight Committee, spoke regarding the current members of the committee and their activities.

Ms. Scholin presented the Regulatory Committee Report, noting that this Committee approved the Minutes of their October 25, 2001 meeting and then recommended approval of final adoption of amendments, repeal, and new rules concerning narcotic treatment programs with language changes.

(Attachment XI)

THE BOARD APPROVED AN ORDER ADOPTING THE AMENDMENTS, REPEAL, AND NEW RULES CONCERNING MINIMUM STANDARDS OF NARCOTIC TREATMENT PROGRAMS TO BE EFFECTIVE 20 DAYS AFTER FILING WITH THE TEXAS REGISTER DIVISION, OFFICE OF THE SECRETARY OF STATE.

The Regulatory Committee recommended approval of a rule that eliminates outdated language, clarifies present language and brings the distribution of monies from the Emergency Medical Services and Trauma Care System account into alignment with legislation passed by the 77th Legislature. (*Attachment XII*)

THE BOARD APPROVED AN ORDER ADOPTING A RULE CONCERNING THE DISTRIBUTION OF MONIES FROM THE EMERGENCY MEDICAL SERVICES AND TRAUMA CARE SYSTEM ACCOUNT EFFECTIVE 20 DAYS AFTER THE RULE IS FILED WITH THE TEXAS REGISTER DIVISION, OFFICE OF THE SECRETARY OF STATE.

The Regulatory Committee recommended approval of proposed rules concerning the duties of non-profit hospitals relating to reporting of charity care and community benefits information as amended.

THE BOARD APPROVED PROPOSED RULES CONCERNING THE DUTIES OF NON-PROFIT HOSPITALS RELATING TO REPORTING OF CHARITY CARE AND COMMUNITY BENEFITS INFORMATION FOR PUBLICATION IN THE *TEXAS REGISTER* FOR 30-DAY COMMENT PERIOD.

The Regulatory Committee was requested to approve the proposed rules concerning the regulation of hospitals based upon a joint recommendation by the Texas Nurses Association and the Texas Hospital Association. The committee requested clarification changes and took no action.

ON A MOTION MADE BY MS. SCHOLIN AND SECONDED BY DR. ROBINSON, THE BOARD APPROVED THE PROPOSED RULES CONCERNING THE REGULATION OF HOSPITALS AS AMENDED FOR PUBLICATION IN THE *TEXAS REGISTER* FOR A 30-DAY PUBLIC COMMENT PERIOD.

The Regulatory Committee recommended approval of proposed amendments with clarification changes to rules concerning licensure of tanning facilities which will clarify and update minimum standards of tanning facilities in order to bring the sections into conformance with the statutory provisions of HB 663, passed during the 77th Texas Legislature.

THE BOARD APPROVED THE PROPOSED AMENDMENTS TO RULES CONCERNING THE LICENSURE OF TANNING FACILITIES FOR PUBLICATION IN THE *TEXAS REGISTER* FOR A 30-DAY PUBLIC COMMENT PERIOD.

The Regulatory Committee recommended approval of a proposed rule concerning standards for protection against radiation from radioactive material.

THE BOARD APPROVED THE PROPOSED RULE CONCERNING THE STANDARDS FOR PROTECTION AGAINST RADIATION FROM RADIOACTIVE MATERIAL FOR PUBLICATION IN THE *TEXAS REGISTER* FOR A 30-DAY PUBLIC COMMENT PERIOD.

The Regulatory Committee recommended approval of a proposed rule concerning radiation control fees.

THE BOARD APPROVED THE PROPOSED RULE CONCERNING RADIATION CONTROL FEES FOR PUBLICATION IN THE *TEXAS REGISTER* FOR A 30-DAY PUBLIC COMMENT PERIOD.

Dr. Anzaldua recognized persons to give public comment.

Mr. David L. Collins, a previous Board of Health member who served eight years, spoke in recognition of Walter D. Wilkerson, Jr., M.D. and Ms. Mary Ceverha. He appreciated the opportunity to serve with them both and said that he will always value their friendship.

Juan Carlos Reynoso, City of Irving Public Health, spoke representing the planning committee for an upcoming three-day conference entitled, "Healthy Texan 2010 – Effective Approaches to Solve

Health Challenges in Special Populations.” Participating in the conference are the Texas Department of Health, Public Health Regions 2 and 3, the American Cancer Society, the American Heart Association, the American Diabetes Association, the DFW Area Health Education Center, and the Department of Health and Human Services Region 6. The planning committee is working very closely with the Texas Department of Health’s Office of Minority Health to plan a conference that will educate on health disparities in North Texas. He asked Dr. Sanchez to be the keynote speaker and invited all Board members to attend.

Dr. Bell reminded the Board of Health that the Awards and Recognition Banquet is being held Thursday, January 17, 2002. The Board is invited to attend and participate in celebrating the good work of staff at the Texas Department of Health.

Dr. Anzaldua announced the next meeting is scheduled for Friday, January 18, 2002, in Austin, with committee meetings on Thursday, January 17, 2002.

The meeting was adjourned at 12:15 p.m.

APPROVED: January 18, 2002

Mario R. Anzaldua, M.D., Chair
Texas Board of Health

Date